

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IN RE NATIONAL PRESCRIPTION OPIATE LITIGATION

THIS DOCUMENT RELATES TO:

MDL No. 2804

*Blackfeet Tribe of the Blackfeet Indian
Reservation v. Amerisourcebergen Drug
Corporation, et. al.*

Case No. 1:17-md-2804

Hon. Dan Aaron Polster

Case No. 1:18-op-45749

**Defendant Smith's Food & Drug Centers, Inc.'s Joinder in Distributor
Defendants' Motion to Dismiss First Amended Complaint**

Defendant Smith's Food & Drug Centers, Inc. ("Smith's") hereby joins the Motion to Dismiss (Doc. No. 927, 927-1) Plaintiff's First Amended Complaint brought by Defendants CVS Pharmacy, Inc., CVS Indiana, L.L.C., Walmart Inc., Walgreen Co., and Walgreen Arizona Drug Co. ("the Moving Defendants") and the supporting Memorandum of Law.

Smith's received service of the *Blackfeet Tribe* Complaint in March of 2019, more than six months after the Moving Defendants filed their Motion to Dismiss pursuant to this Court's Orders. As a result, Smith's was deprived of any opportunity to help shape the Moving Defendants' Motion to Dismiss and now joins, adopts, and incorporates by reference the legal arguments and authorities cited in the Moving Defendants' Motion to Dismiss briefings. Because the legal arguments raised by the Moving Defendants are equally applicable to Plaintiff's claims against Smith's, Smith's respectfully requests leave to join in their Motion to Dismiss and supporting briefs referenced above.

Pursuant to Sections 2.g., 2.j. and 2.k. of Case Management Order One (Doc. 232), Smith's does not waive and expressly preserves its right to raise any defenses not addressed in the

**EXHIBIT
A**

Moving Defendants' briefing, and to file an individual motion to dismiss in the future on any grounds.

Accordingly, for the reasons set forth in the Moving Defendants' Motion to Dismiss, Smith's respectfully requests that Plaintiff's First Amended Complaint be dismissed.

Dated: April 18, 2019.

SMITH'S FOOD & DRUG CENTERS, INC.

By Counsel

/s/ Ronda L. Harvey

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CERTIFICATE OF SERVICE

I hereby certify that on April 18, 2019, the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Ronda L. Harvey

Counsel for Smith's Food & Drug Centers, Inc.